

## **Planning and Zoning Commission Regular Meeting**

**August 17, 2005**

### **1. CALL SESSION TO ORDER**

The August 17, 2005, Regular Meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street. With a quorum present, Vice-Chairman Drapes called the meeting to order at 7:04 p.m.

### **2. ROLL CALL**

Present for roll call, along with Vice-Chairman Drapes were Commissioners Sandy Arnold, Russ Boles, Dale Austin, Betty Weeks, Larry Quick, Ray Thibodaux and David Pavliska. Chairman Kosik was absent from the meeting. Staff included Susan Brennan, Principal Plannere, Bernadette Hayes, Senior Planner, Shannon Burke, Senior Planner, James Hemenes, Park Planner, Alysha Girard, Development Services Manager, Eric Langhout, Public Works Department and Dianna Hutchens, Administrative Technician.

### **3. APPROVAL OF THE JULY 13, 2005 REGULAR MEETING MINUTES.**

**Motion:** Commissioner Boles made a motion to approve the July 13, 2005, Regular Meeting minutes. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Betty Weeks, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin and Larry Quick. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

### **4. CONSENT AGENDA**

Vice-Chairman Drapes referenced the Memorandum from Ms. Hayes requesting that Consent Agenda Items 4.J., 4.K. and Item 7.D. regarding Walsh Ranch be tabled until the August 24 2005, meeting; and Consent Agenda Items 4.E., 4.G. and 4.H. be removed and discussed at a later time in the meeting. Commissioner Weeks requested that Consent Agenda Item 4.A. be removed and discussed at a later time in the meeting.

**4.B. Consider the Preliminary Plat of Central Baptist Church, application #2005-024-PP.**

**4.C. Consider the Extension of the Preliminary Plat of Eagle Ridge Section Ten, application 2004-009-PP.**

**4.D. Consider the Replat of Lots 1, 2 and a Portion of Lot 3, Block 20, City of Round Rock Original Plat, application #2005-044-FP.**

**4.F. Consider the Final Plat of Legends Village, Section 2, Phase 1, application #2005-041-FP.**

**4.I. Consider the Final Plat of Shadow Pointe Phase 2, application #2005-042-FP.**

**Motion:** Commissioner Boles made a motion to approve Consent Agenda Items 4.B., 4.C., 4.D., 4.F., and 4.I. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin and Betty Weeks. Noes: None; Abstain: Larry Quick; Absent: Chairman Kosik. The motion carried 7 Ayes, 1 Abstain, and 1 Absent.

**4.A. Consider the Preliminary Plat of Behrens Ranch Phase F, application #2005-023-PP.**

Commissioner Weeks requested that the boundary line between Lots 22 and 23 be adjusted to remove the narrow tip on Lot 22. Ms. Hayes asked the developer's engineer, Mr. Randall Jones, to adjust the lot line on Lot 23 to meet the south lot line of Lot 22 which will remove the narrow tip. He agreed.

**Motion:** Commissioner Weeks made a motion to approve the preliminary plat with the condition to realign the property line on Lots 22 and 23. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**4.E. Consider the Final Plat of Mayfield Ranch Enclave, application #2005-036-FP.**

Ms. Hayes presented staff's analysis of the final plat noting staff's recommendation of approval with the following conditions:

1. The document number shown on Sheets 1 and 2, specifically in the field notes and in the owner's declaration statement, be corrected prior to plat recordation.
2. The zoning is approved by City Council.

**Motion:** Commissioner Arnold made a motion to recommend the final plat as conditioned. Commissioner Quick seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**4.G. Consider the Final Plat of Randall's Town Centre, Section Two, application #2005-046-FP.**

Ms. Hayes presented staff's analysis and recommendation of approval with the following conditions:

1. The lien holder's signature shall be notarized prior to plat recordation.
2. The notary for Mr. Kim Wise, the owner, shall be redone for clarity prior to plat recordation.

**Motion:** Commissioner Boles made a motion to approve the final plat as conditioned. Commissioner Quick seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**4.H. Consider the Final Plat of Randall's Town Centre, Section Three, application #2005-047-FP.**

Ms. Hayes presented staff's analysis of the final plat and their recommendation of approval with the following conditions:

1. The lien holder's signature shall be notarized prior to plat recordation.
2. The notary for Mr. Kim Wise, the owner, shall be redone for clarity prior to plat recordation.

**Motion:** Commissioner Boles made a motion to approve the final plat as conditioned. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**5. TABLED ITEMS NOT REQUIRING A PUBLIC HEARING**

Vice- Chairman Drapes announced that he would address Consent Agenda Items 4.J., 4.K. and Agenda Item 7.D. in one motion.

**4.J. Consider the Final Plat of Walsh Ranch, Section Three, application #2005-038-FP.**

The applicant has requested that this item be tabled until the August 24, 2005 meeting.

**4.K. Consider the Final Plat of Walsh Ranch, Section Four, application #2005-039-FP.**

The applicant has requested that this item be tabled until the August 24, 2005 meeting.

**7.D. Consider the Final Plat of Walsh Ranch, Section One, application #2005-037-FP**

The applicant has requested that this item be tabled until the August 24, 2005 meeting.

**Motion:** Commissioner Boles made a motion to table the final plats to the August 24, 2005 meeting. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

Vice-Chairman Drapes noted that the remaining tabled items would be handled in one motion.

**5.A. Consider the Final Plat of East Chandler Retail Center, application #2005-040-FP.**

The applicant has requested that this item be tabled until the August 24, 2005 meeting.

**5.B. Consider the Final Plat of Chandler Road Retail Subdivision, Section One, application # 2005-034-FP.**

The applicant has requested that this item be tabled until the September 21, 2005 meeting.

**5.C. Consider the Final Plat of Chandler Road Retail Subdivision, Section Two, application # 2005-031-FP.**

The applicant has requested that this item be tabled until the September 21, 2005 meeting.

**5.D. Consider the First Limited Edition Subdivision Plat Vacation, application #2005-002-V.**

The applicant has requested that this item be tabled until the September 21, 2005 meeting.

**5.E. Consider the Preliminary Plat of Puett Commercial Tract, application #2005-022-PP.**

The applicant has requested that this item be tabled until the September 21, 2005 meeting.

**5.F. Consider the Brushy Creek Wastewater Treatment Plant Final Plat, application #2004-069-FP.**

The applicant has requested that this item be tabled until the November 2, 2005 meeting.

**Motion:** Commissioner Austin made a motion to table the items as stated. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**6. TABLED ITEMS REQUIRING A PUBLIC HEARING**

- 6.A. Consider public testimony regarding the application filed by Sycamore Trails, LTD., to rezone 32.332 acres of land, more or less, out of the P.A. Holder Survey, Abstract # 297, in Williamson County, Texas, from MF (Multifamily) District to SF-2 (Single Family-Standard Lot) District, application # 2005-014-ZC.**

Vice-Chairman Drapes opened the public hearing and asked if there was anyone that wanted to provide testimony. Seeing no one, he closed the public hearing.

**Motion:** Commissioner Pavliska made a motion to continue the public hearing to the September 21, 2005 meeting. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

- 6.B. Consider a recommendation to rezone 32.332 acres of land from MF (Multifamily) District to SF-2 (Single Family-Standard Lot) District, application # 2005-014-ZC.**

**Motion:** Commissioner Austin made a motion to table the rezoning to the September 21, 2005 meeting. Commissioner Boles seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

- 6.C. Consider public testimony regarding the application filed by Sycamore Trails, LTD., for approval of the Ashton Oaks Section Two, Concept Plan, application # 2005-006-CP.**

Vice-Chairman Drapes opened the public hearing and asked if there was anyone that wanted to provide testimony. Seeing no one, he closed the public hearing.

**Motion:** Commissioner Weeks made a motion to continue the public hearing to the September 21, 2005 meeting. Commissioner Boles seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**6.D. Consider a recommendation for approval of the Ashton Oaks Section Two, Concept Plan, application # 2005-006-CP.**

**Motion:** Commissioner Boles made a motion to table the rezoning to the September 21, 2005 meeting. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**6.E. Consider public testimony regarding the proposed amendment to add MU-1a (Mixed-Use Southwest Downtown) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances, 1995 Edition.**

Vice-Chairman Drapes opened the public hearing and asked if there was anyone that wanted to provide testimony. Seeing no one, he closed the public hearing.

**Motion:** Commissioner Austin made a motion to continue the public hearing to the September 21, 2005 meeting. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**6.F. Consider a recommendation regarding the proposed amendment to add MU-1a (Mixed-Use Southwest Downtown) District to Chapter 11, Zoning, City of Round Rock Code of Ordinances, 1995 Edition.**

**Motion:** Commissioner Pavliska made a motion to table the rezoning to the September 21, 2005 meeting. Commissioner Boles seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**6.G. Consider public testimony regarding the application filed by the City of Round Rock to rezone Block 1, Original City of Round Rock Plat from LI (Light Industrial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 2, Block 6, Block 7, Block 8, Block 24, Block 25, Block 26, Block 31, Original City of Round Rock Plat from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 5, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District and C-2 (Local Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block A, Olsen Subdivision from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; and Block 27, Original**

**City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District to MU-1a (Mixed-Use Southwest Downtown) District.**

Vice-Chairman Drapes opened the public hearing and asked if there was anyone that wanted to provide testimony. Seeing no one, he closed the public hearing.

**Motion:** Commissioner Pavliska made a motion to continue the public hearing to the September 21, 2005 meeting. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

- 6.H.** *Consider a recommendation regarding the application to rezone Block 1, Original City of Round Rock Plat from LI (Light Industrial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 2, Block 6, Block 7, Block 8, Block 24, Block 25, Block 26, Block 31, Original City of Round Rock Plat from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; Block 5, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District and C-2 (Local Commercial ) District to MU-1a (Mixed-Use Southwest Downtown) District; Block A, Olsen Subdivision from C-1 (General Commercial) District to MU-1a (Mixed-Use Southwest Downtown) District; and Block 27, Original City of Round Rock Plat from SF-2 (Single Family-Standard Lot) District to MU-1a (Mixed-Use Southwest Downtown) District.*

**Motion:** Commissioner Austin made a motion to table the rezoning to the September 21, 2005 meeting. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**7. ADDITIONAL PLATS**

- 7.A. Consider the Final Plat of Central Baptist Church, application #2005-043-FP.**

Ms. Hayes presented staff's analysis of the final plat noting staff's recommendation of approval with the following condition:

1. The preliminary plat is approved.
2. The ownership declaration statement shall state that there are no lien holders prior to recordation.

Commissioner Pavliska noted that a gas easement was shown on the preliminary plat, but not on the final plat. Ms. Hayes explained that the gas easement was not on Lot 2, which is the only lot in the final plat.

**Motion:** Commissioner Austin made a motion to recommend approval of the final plat as conditioned. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**7.B. Consider the Final Plat of 0.239 acres of the Wiley Harris Survey (AKA Lot 3, Block 2 of the Unrecorded Bradshaw Addition), application #2005-048-FP.**

Ms. Hayes presented staff's analysis of the final plat noting staff's recommendation of approval with the following conditions:

1. The darkened boundary line in the blow-up will be modified to designate Lot 1, Block A (the subject 0.239 acre tract) rather than the adjacent property.
2. The scale in the blow-up will be changed from 1"=20' to 1"=5'.
3. Replace the boundary line with a solid black line. This line shall designate both the boundary line and the lot line.

Commissioner Pavliska asked if the drainage situation on the property had been discussed. Ms. Girard noted that the drainage would be looked at during the site plan review. She said it was an awkward site because it was below grade in that area. Commissioner Pavliska agreed.

Commissioner Boles asked if the contiguous tracts were zoned commercial. Ms. Hayes said the tract to the north was commercial, the tract to the left is single-family, the tract across the street is commercial and across Logan Street is single-family. Commissioner Boles asked if there was a need for additional buffering between the different zonings within the contiguous properties. Ms. Hayes said yes. There is an existing house on the commercial tract that will be used for the business once it is renovated and upgraded. She did not believe the applicant intended to build a new structure. If the applicant were to build, he would have to abide by the 50' setback that would abut the single-family tract.

**Motion:** Commissioner Arnold made a motion to recommend approval of the final plat as conditioned. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**7.C. Consider the Final Plat of La Frontera Section 111B, Resubdivision of Lot 1C of the Resubdivision of Lot 1, Block B, application #2005-049-FP.**

Ms. Hayes presented staff's analysis regarding the final plat noting staff's recommendation of approval with the following condition.

1. The "D.E." will be defined as "Drainage and Storm Sewer Easement" in the Legend.

Ms. Hayes asked to remove the condition and explained that it was determined that the drainage easement is not specific to the plat, but she wanted to add an additional condition:

1. The ownership information on Sheet 1 shall be corrected to reflect the correct ownership information in the declaration.

**Motion:** Commissioner Boles made a motion to approve the final plat as conditioned. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**8. ZONING AND PLATTING: PUBLIC HEARING/DISPOSITION**

**8.A. Consider public testimony regarding the application filed by Quantum Construction, Inc., to replat Lot 2, Block A, Marshall on Brushy Creek Subdivision, application #2005-045-FP.**

Ms. Hayes presented staff's analysis of the replat noting staff's recommendation of approval.

Vice-Chairman Drapes opened the public hearing and asked if there was anyone present that wanted to provide testimony.

Ms. Gena Antill, 1201 Ledbetter, said she had been misled in a land deal that involves the property before the Commission this evening. When Mr. Hussein, the current property owner, approached her about her property, she was under a lot of stress dealing with family illness. Mr. Hussein said he wanted to purchase the property to build a family home on the creek for his children. Ms. Antill said she did not want to go through the process and cost of subdividing the property herself. Mr. Hussein told her not to worry about the process; he would handle the process and fees. Ms. Antill said she walked the proposed boundary line and tied red strings for identification. She noted the strings were still there after Mr. Hussein moved the boundary over quite a bit. Ms. Antill said she signed off on the paperwork, but she did not take the time prior to closing to re-walk the boundary line, which would have made her realize it had been moved. She said approximately one acre had been fraudulently taken from her. She noted that her neighbors, Dr. Porter and his wife, have been affected by the new property lines because the lane that they had shared for many years was now part of Mr. Hussein's property.

Dr. Jim Porter testified that he lived in Old Town in a house that is approximately 150 years old that is located next to the acreage that Ms. Antill's family owned. He was very disappointed that Mr. Hussein had taken advantage of Ms. Antill. He said he did not know that Ms. Antill was selling some of her property but became aware when trucks started using the road on the side of his house. He said his wife received paperwork from Mr. Hussein stating that as long as Mrs. Porter was in the home the road would be open for use, but once she passed on or moved, the road would become part of his property. Dr. Porter said something like this should not be permitted to happen.

Ms. Jan Robin Green, resident on Ledbetter Street, said she the situation is worse than she thought it was. She asked the Commission to not give Mr. Hussein any rights on the property.

Ms. Betty Porter, 1113 Ledbetter Street, said she was the person who was to receive the property from Ms. Antill. To her surprise, she has found out that if she should die or move away it will belong to Mr. Hussein. She said he has stolen the property. Ms. Porter said they are opposing Mr. Hussein's proposal of dividing the property and building more houses, and anything else he would want to do.

Mr. Richard Pavlasek, 15018 Wells Port Drive, Austin, Texas, said he was a property owner on Ledbetter Street. He said the neighborhood is a unique neighborhood that would lose its' identify if subdivisions such as the one proposed for Lot 2, Block A is allowed to occur. He said it was a historical neighborhood, it is an environmentally friendly neighborhood, and it is not a "cookie cutter" suburb. The proposed subdivision would create a lot that would be among the smallest on the street. The owner of Lot 2, Block A appears to be attempting to build as many homes on his property as he can. He said the neighbors hope that the Ledbetter neighborhood would improve its value in years to come. He gave the Commissioners a copy of his opposition to the replat and a list of the appraisal value of the different homes in the neighborhood.

Vice-Chairman Drapes asked if there was anyone else that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

**8.B. *Consider a recommendation for approval of the Replat of Lot 2, Block A, Marshall on Brushy Creek Subdivision, application#2005-045-FP.***

Vice- Chairman Drapes said it pains him to have this type of discussion show up in front of the Planning Commission. The Commission works hard to put ordinances, practices and policies in place, and work with developers to encourage them to go out and work with the neighbors before they visit with the Commission so things work out in harmony.

Vice-Chairman Drapes asked Mr. Crossfield to address a few questions. He asked Mr. Crossfield if he was correct in saying that the Planning and Zoning Commission has little flexibility in cases such as this. He felt the issue that has been presented is a question of whether or not it is a legal lot, and if it is a legal lot, then the Commission is compelled to move it forward. Mr. Crossfield said he heard two different items in testimony. He said there was an indication that there was a fraudulent transaction. What we have is a deed that is in Mr. Hussein's name, and we do not have any indication regarding fraud. He encouraged the individuals to seek relief, but it cannot be sought through the Planning Commission because it is not within their jurisdiction. He reminded the Commissioners that in Section 212.05 of the Local Government Code, it says that so long as the applicant has met the City's guidelines there is no other choice than to approve the subdivision. He

felt staff was saying as far as they know, the subdivision has met the guidelines, so the Commission does not have a choice; they will need to make a recommendation.

Commissioner Quick asked if the recommendation could be forwarded to the City Council asking them to consider in their deliberation the neighborhood scenario. Mr. Crossfield reminded Commissioner Quick that the replat does not continue forward to the City Council.

Commissioner Pavliska asked if it was possible that the applicant would like to request the item to be tabled until the issues are resolved. Mr. Jim Coulter, Coulter Engineering, said the applicant was not present at the meeting and he was not authorized to commit to tabling the application to a future date.

Commissioner Weeks asked if Lot 2C was a legal lot. Ms. Hayes said it meets the required minimum size for a single family lot.

Vice-Chairman Drapes asked, due to the age of the neighborhood, was it considered as a historic district. Ms. Hayes said there was no Historic Overlay on this specific property.

Commissioner Boles asked if construction had been started on the site. Mr. Coulter responded that he thought the owner had started construction on a single-family home on what will be Lot 2A. Ms. Antill said the applicant has only poured the one slab.

Commissioner Pavliska said he was not comfortable with anything he heard this evening regarding this application. He was aware of the rules and guidelines that the Commission needs to follow, but he was hesitant to move forward. Vice-Chairman Drapes said he understood and shared the concern.

Commissioner Arnold asked if the rest of the subdivision was up to City standards with curb, gutters and sidewalks. Ms. Hayes said no. Commissioner Arnold asked for an explanation of the subdivision wall that was referenced in one of the plat notes. Ms. Brennan said it was a blanket requirement and it would not be applicable in this case.

Commissioner Weeks asked where the floodplain was located. Ms. Hayes showed her where it was located and said there was a large amount of the back portion of the lot that cannot be developed.

Commissioner Austin asked Mr. Coulter if he had noticed any variations of the lot line in his visits to the site. Mr. Coulter noted he was the Engineer on the project and there was another person that did the surveying, and he did not meet with anyone on site prior to the subdivision plat being prepared. The information was brought to him as a paper drawing. Since that time, he said he has been on site and the pins that are on the ground are reflected on the plat for the boundary of Lot 2.

Vice-Chairman Drapes said he thought it was strange that sidewalks have been required. He asked if there ultimately will be continuous sidewalks in that subdivision, or is this creating a situation where there will only be three lots with sidewalks. Ms. Girard said this is under the new Subdivision Ordinance the sidewalks will probably be deferred to the point when the City can go in and improve Ledbetter Street with continuous sidewalks.

Vice-Chairman Drapes asked if there were any other questions or comments from the Commissioners.

**Motion:** Commissioner Arnold made a motion to recommend approval of the replat. Commissioner Boles seconded the motion.

**Vote:** Ayes: Peter Drapes, Sandy Arnold, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: David Pavliska; Abstain: None; Absent: Chairman Kosik. The motion carried 7 Ayes, 1 No, and 1 Absent.

Vice-Chairman Drapes announced that the Commission would take a short recess.

**8.C. Consider public testimony regarding the application filed by Park Valley Oaks, Ltd., to amend PUD 35 (Planned Unit Development), Lot 1, Block A, of Park Valley Oaks Subdivision, in Williamson County, application #2005-019-ZC.**

Commissioner Arnold said she was abstaining from discussion and voting regarding this application.

Mr. Burke presented staff's analysis of the amendment to PUD 35 noting staff's recommendation of approval.

Vice-Chairman Drapes open the public hearing and asked if there was anyone that wanted to provide testimony. Seeing no one, he closed the public hearing.

**8.D. Consider a recommendation to amend PUD 35, Lot 1, Block A, of Park Valley Oaks Subdivision, application #2005-019-ZC.**

Commissioner Pavliska asked why did there need to be an ATM in this area. Mr. Landy Warren, First Texas Bank, said it was being placed in this location at the request of their customers and for the benefit of their customers.

Vice-Chairman Drapes asked if there were any other questions or comments by the Commissioners.

**Motion:** Commissioner Boles made a motion to recommend approval of the amendment to PUD 35 regarding the placement of an ATM machine. Commissioner Austin seconded the motion.

**Vote:** Ayes: Peter Drapes, David Pavliska, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: Sandy Arnold; Absent: Chairman Kosik. The motion carried 7 Ayes, 1 Abstain, and 1 Absent.

**8.E. Consider public testimony regarding the application filed by D. R. Horton Texas, Ltd., for approval of the Settlers Overlook North, Concept Plan, application # 2005-007-CP.**

Ms. Hayes presented staff's analysis of the concept plan noting their recommendation of approval.

Vice-Chairman Drapes opened the public hearing and asked if there was anyone that wanted to provide testimony for the public hearing.

Ms. Kelly McLaughlin, 600 CR 117, said she was an adjacent property owner. She asked how far the houses would be located from the property line and the building height. Vice-Chairman Drapes said two-stories would be the maximum height. Ms. Hayes said there would be the standard setback from the rear property line. She noted the lots that are abutting the larger properties would be larger than those abutting the homes in Settlers Overlook and Estates @ Settlers Park. Commissioner Pavliska asked if the lot sizes were omitted from the plans because it is a concept plan. Ms. Hayes said yes, the plan presented is all that is required at this time.

Ms. Christine Gonzales, 151 Tate Lane, said at this time her property is outside of the city limits. She asked if the new neighborhood would be within the city limits. Ms. Hayes said yes. Ms. Gonzales asked if the properties on Tate Lane would still be out of the city limits. Ms. Hayes said yes.

Vice-Chairman Drapes asked if there was anyone else that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

**8.F. *Consider a recommendation for approval of the Settlers Overlook North, Concept Plan, application # 2005-007-CP.***

Commissioner Quick asked if the street names would be changed or remain as indicated on the plat. Ms. Hayes said the street names on this plat are not the permanent names; the real names will be presented on the preliminary plat.

Commissioner Weeks asked how large the "larger" lots would be. Ms. Hayes said the larger lots would be 10,000 square feet.

Commissioner Thibodaux referenced Lot 1 in Block A that was being used for drainage because it is within the 100-year floodplain. He asked if Lot 2 was also in the floodplain. Ms. Hayes said Lots 1, 2 and 3 are all in the ultimate 100-year floodplain as existing today, but when the development starts, they will fill and adjust the floodplain. Once the adjustment is made, the lots will be out of the floodplain.

Vice-Chairman Drapes asked if there were any other questions or comments from the Commissioners.

**Motion:** Commissioner Boles made a motion to recommend approval of the concept plan. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Peter Drapes, Sandy Arnold, David Pavliska, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**8.G. *Consider public testimony regarding the application filed by D. R. Horton Texas, Ltd. to zone 29.062 acres of land, more or less out of the Willis Donaho Survey, Abstract No. 173, in Williamson County, Texas, to SF-2 (Single Family - Standard Lot), application # 2005-018-Z.***

Ms. Hayes presented staff's analysis regarding the zoning noting staff's recommendation of approval.

Vice-Chairman Drapes opened the public hearing and asked if anyone wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

**8.H. Consider a recommendation to zone 29.062 acres of land to SF-2 (Single Family - Standard Lot), application #2005-018-Z.**

Vice-Chairman Drapes asked what assurances are in place to make sure the larger lots stay and are carried forward to the preliminary and final plats. Ms. Hayes said the concept plan is now vested and the Developer will have to follow the concept plan that was approved earlier in the evening. If the Developer brings in a preliminary plat that deviates or is different from what is shown on the concept plan this evening, specifically the 10,000 square foot lots abutting the larger residential lots, then the Developer would have to come back and revise the concept plan and once again appear before the Commission.

Commissioner Pavliska asked if this would go on to Council for the zoning and annexation. Ms. Hayes agreed and said the Commission makes a recommendation regarding the zoning to the City Council.

Vice-Chairman Drapes asked if there were any other questions or comments from the Commissioners.

**Motion:** Commissioner Pavliska made a motion to recommend approval of the zoning. Commissioner Weeks seconded the motion.

**Vote:** Ayes: Peter Drapes, Sandy Arnold, David Pavliska, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**8.I. Consider public testimony regarding the application filed by Nelson Homestead Family Partnership, LTD., for approval of the Paloma Lake Subdivision, Concept Plan, application # 2005-005-CP.**

Ms. Hayes presented staff's analysis of the concept plan and noted staff's recommendation of approval with the following conditions:

1. Prior to the preliminary plat approval the consent agreement between the developer and the City of Round Rock shall be agreed upon in order to ensure the extension of wastewater facilities to the site.
2. Prior to the preliminary plat approval an agreement between the City of Round Rock and Jonah Water SUD shall be reached whereby the Jonah Water SUD CCN area will be modified such that no land within the concept plan will be within the Jonah Water SUD CCN.

Mr. Blake McGee, the developer, stated that he has been working with staff for the last 2 ½ years on this project. Over the last 6 – 12 months a lot of progress has been made on the utility service plan and it looks like it is moving forward based on a major interceptor project called the McNutt Interceptor. He noted the McNutt Interceptor will service the entire basin. The project is a small portion out of the Nelson family homestead in northeast Round Rock. The project is approximately 760 acres, 1851 lots, 30 acres of commercial, 200 acres of open space, parkland, floodplain. He noted the anchor of the project was a 47-acre lake that exists on the property today. The plans have been oriented around the lake with amenity centers on both sides of the lake. The project is anticipated to be developed over a 10-12 year period of time. Mr. McGee said the major access into the property initially is going to be through an extension of existing CR 122. He noted it was also surrounded by existing County Roads 112 and 110. The project will include a school site; although the school district has not made a firm commitment as to location.

Vice-Chairman opened the public hearing and asked if there was anyone that wanted to provide public testimony for the public hearing. Seeing no one, he closed the public hearing.

**8.J. *Consider a recommendation for approval of the Paloma Lake Subdivision, Concept Plan, application #2005-005-CP.***

Commissioner Boles complimented Mr. McGee on the proposed project and said it looked great and was well conceived.

Commissioner Pavliska noted the gas line that goes through one of the lots, a cul-de-sac and an inner sector street and had some concern. Ms. Hayes said that was the Seminole pipeline and it will require is a 50' setback from the pipeline. She noted that Mr. McGee has shown the setback on the plan. Commissioner Pavliska said he was concerned

because of the cul-de-sac and intersection that would be over the top of the pipeline. He asked if there would be any problems in doing maintenance on the pipeline in the future. Ms. Girard said if there are any anticipated problems it would be discovered during the construction phase and at that time it can be worked through.

Commissioner Arnold asked for an explanation on the comment "Unlike other newly proposed MUD's, these MUD's will remain under City of Round Rock platting authority." Ms. Hayes said in the past the Commission has reviewed other MUD's concept plans, but the City released the platting authority to the County. In this case, this MUD will come back for platting approval. Commissioner Arnold asked if this would be the common procedure for other MUD's in the future. Ms. Hayes said it would be determined on a case by case scenario, but in this case, some of the county roads in this subdivision are part of the City's arterial system, and the City will be annexing the county roads. Vice-Chairman Drapes asked if the property was part of Round Rock's ETJ. Ms. Hayes said it is in Round Rock's ETJ.

Commissioner Weeks asked what the present cost for water hook up was. Ms. Hayes said it was approximately \$4200 - \$4300, and wastewater is approximately \$1300 per service unit. Commissioner Weeks asked if the addition of these lots would impact the water supply of Round Rock. Ms. Hayes said no.

Commissioner Quick said he noticed that CR 117 was going to be abandoned. He asked what the primary access would be for the elementary school site. Ms. Hayes said the school is actually surrounded on three sides by inside subdivision roads, and the 65' collector will probably be the main access to and from the school. Vice-Chairman Drapes asked if 15 acres was the typical amount of land for an elementary school. Ms. Hayes said yes.

Vice-Chairman Drapes asked if there would be any pedestrian trails and paths by the lake. Mr. McGee responded that the concept is that it will be a big park. He referenced the Citywide Trails' Master plan and said when it was adopted last year, it showed the main trail arteries, and that is what they have shown on their plan. There will be other trails and sidewalks along the roadways that will provide access to the development spaces. Vice-Chairman Drapes asked how large the lake was. Mr. McGee said the lakes are actually big

detention ponds and controlled by the Brushy Creek WCID. Over the past five years the Brushy Creek WCID has got organized and is working on many of the dams in the system. On this particular lake, he went to them early on and told the Brushy Creek WCID that they wanted to create more of an amenity setting. They would like to cut a deeper edge of the top portion of the lake so they can create more of a constant level in the lake. Mr. McGee said the WCID has written a letter, which the City has a copy of, and they are going to work together, without impacting the volume, creating more of an amenity area that will entail cutting along the north edge. The WCID is going to accelerate some improvements to the dam and raise the dam 3-4 feet on an accelerated basis.

Vice-Chairman Drapes referenced CR 122 at the south end of the project and asked if it would require a subdivision wall. Mr. McGee said that section will not require a subdivision wall. He noted that every other road on the perimeter, including CR 122 through the middle in the collector roads, will require subdivision walls. Vice-Chairman Drapes asked when the build out is done, will the small segment of CR 122 at the south end of the project still be CR 122. Mr. McGee said he was not sure. Ms. Girard said it would stay as CR 122 and it will be considered a local road.

Mr. Bill Gordon, a land owner in the area, said he wanted to make sure the stream flows are maintained because he relies on the water for his cattle. Mr. McGee said the outlet structure would not be changed that exists in the lake today and the overflow will not change.

**Motion:** Commissioner Austin made a motion to recommend approval of the concept plan as conditioned. Commissioner Quick seconded the motion.

**Vote:** Ayes: Peter Drapes, Sandy Arnold, David Pavliska, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

**8.K. Consider public testimony regarding the application filed by Double J investments, for approval of the Sienna Hills Subdivision, Concept Plan, application #2005-004-CP.**

Ms. Hayes presented staff's analysis of the concept plan noting staff's recommendation of approval with the following condition:

1. Prior to the preliminary plat approval the consent agreement between the Developer and City of Round Rock shall be agreed upon in order to insure the extension of wastewater facilities to the site.

Vice-Chairman Drapes opened the public hearing and asked if there was anyone present that wanted to provide testimony.

Ms. Linda Reid, an adjacent property owner, said she and her husband own property just north of Section 3, Street #10. She said they were concerned about buffering since they have a farm with livestock that will back up to the single-family rear property lines.

Mr. Kevin Langston said he lives on CR 110 and the traffic is already getting difficult to deal with because of the construction traffic for State Highway 130. The gravel trucks use CR 110 as a short cut so they can bypass Round Rock. He asked if anything would be done with CR 110. Ms. Hayes said CR 110 ultimately would be annexed into the City and it would be improved to city standards.

Ms. Jan Washburn said she also lives on CR 110 and is concerned about traffic. She asked if CR 110 would be widened.

Vice-Chairman Drapes asked if there was any one else that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

**8.L. *Consider a recommendation for approval of the Sienna Hill, Concept Plan, application #2005-004-CP.***

Commissioner Weeks asked what type of fencing does the developer have in mind. Mr. Stafford said they held a neighborhood meeting and the consensus from the meeting was that the homeowners wanted privacy fencing and perimeter fencing where it abutted larger tracts.

Commissioner Weeks asked if the developer had provided for 10,000 square foot lots for those properties abutting larger tract homes. Mr. Joe Stafford responded that there were a few lots that were abutting Country Estates that were approximately that size. Commissioner Weeks said putting smaller lots than the 10,000 square foot would not be good.

Commissioner Austin asked if it was a matter of policy that there have to be 10,000 square foot lots. Ms. Hayes said it not required by ordinance, but staff had made the request to the developer to accommodate that. Commissioner Boles asked if there would be the option to vote against a concept plan if those size of lots were not in place. Ms. Hayes said it was not a requirement that the developer provide those larger lots. Ms. Brennan noted that the land uses are tied to the concept plan which will be associated with a consent agreement that will go to the City Council, which regulates zoning. Mr. Crossfield stated that this development is going to be a MUD and the requirements for the development will be in the consent agreement. When the City consents to it there will be a very involved Consent Agreement that will contain many provisions, one of which is that they will have to comply with the City's regulations. Ms. Brennan said that one of the City's zoning requirements is a compatibility standard that states "Where SF-2 lots are subdivided abutting existing homes on lots 10,000 square foot and over, the SF-2 lots that immediately about the large lots shall be a minimum of 10,000 square feet. She asked if that the requirement could be tied to the consent agreement. Mr. Crossfield said that could be required in the Consent Agreement. Mr. Stafford said he was not opposed to the 10,000 square feet along the larger lots in Country Estates. He noted the average lot size for the entire subdivision is 9,000 square feet which is substantially over the minimum size required for lots by the City of Round Rock. He said that would be taken into consideration along with the perimeter fencing.

Commissioner Pavliska asked if there would be landscaping in Section 3, on Street A, where it dead ends into the bulb. Mr. Stafford said there would be a sidewalk and perimeter fence there. Commissioner Austin did not think there would be room for both landscaping and a sidewalk at that location. Mr. David Gray, with Gray Jansing, said there should be enough room if landscaping is required.

Vice-Chairman Drapes referenced the area around Street 10 and asked if there would be a fence between the properties, and if there had been any thought regarding the setback from the back fence to the facilities that will be built. Mr. Stafford said the setbacks will be according to the Subdivision Ordinance requirements for rear setbacks. Mr. Gray reminded the Commissioners that the Planning Commission will be reviewing the preliminary and

final plats associated with the development, and will have an opportunity to talk in more detail about specific areas.

Commissioner Quick asked about Phase 5 and the stock tanks located within that area was the Developer's plan to divert the water into a greenbelt coming down to a detention area. Mr. Gray said that was generally correct. He noted there will be a detailed drainage study coming in with their preliminary plan that will add more detail and dimensions to the drainage facilities. Their intent is not to provide a disturbance in the McNutt tributaries, and to have detention in accordance with the ordinance.

Commissioner Quick asked if the Developer would consider a pedestrian underpass on CR 122, so individuals' wanting to go to the amenity center have a way of getting to it without running across CR 122. Mr. Gray said he thought the question was fair and the suggestion will be taken into consideration; however he did want to be candid and say that underground underpasses get very expensive very quickly because of rock. Mr. Stafford pointed out that there would also be a second amenity center approximately 3.8 acres located north at the entrance, in addition to the one on the south side of the property. Mr. Gray said there was connectivity going on throughout the subdivision in the way of trails and greenbelt areas.

Commissioner Pavliska asked what price range the houses would be. Mr. Stafford said the homes would be mid-level homes ranging from \$150,000 to \$225,000. He noted as time goes on, it would depend on the market.

Vice-Chairman Drapes asked if there were any contingency plans on where the school would be located. Mr. Gray said they are in conversation with the Hutto ISD regarding locating a school on the site, but possibly an elementary school could be built on the townhouse site. There will be more conversations with the school district once they are ready to build. Chairman Drapes said the size of the development could definitely drive the need for a school.

Commissioner Boles wanted to make sure that a condition was attached regarding the 10,000 square foot minimum lot for the SF-2 abutting the larger tracts of land. Mr. Stafford said he was willing to go on record and say that they agree to put the 10,000 square foot lots along the County Estates lots that they abut. He assured the Commission the lots would be a minimum of 10,000 square feet. Vice-Chairman Drapes suggested there be a global

request that would affect all of the SF-2 lots abutting the larger acreage lot with a residence on it. Commissioner Boles said there are too many lots that it would affect. Mr. Stafford agreed. Commissioner Austin said the Commissioners also need to remember and take into consideration that the average lot size in the development is 9,000 square feet. Commissioner Boles reminded the Commissioners about the other condition Ms. Hayes presented regarding the consent agreement and the detention of wastewater facilities.

**Motion:** Commissioner Austin made a motion to recommend approval of the concept plan as conditioned. Commissioner Boles seconded the motion.

**Vote:** Ayes: Peter Drapes, Sandy Arnold, David Pavliska, Russ Boles, Ray Thibodaux, Dale Austin, Larry Quick and Betty Weeks. Noes: None; Abstain: None; Absent: Chairman Kosik. The motion carried unanimously.

#### 9. PLANNER REPORT AND COMMISSION COMMENTS

The Commissioners were updated on the current registration for the upcoming APA Conference. Those interested in attending should contact the Planning Office. Maps and a tentative agenda were handed out to the Commissioners to remind them of the retreat meeting on Wednesday, September 21<sup>st</sup>. Commissioner Thibodaux requested that overnight parking be added to the retreat agenda as a possible discussion item.

#### 10. ADJOURN

Hearing no further discussion, Vice-Chairman Drapes adjourned the meeting at 10:05 P.M.

Sincerely yours,

Dianna Hutchens  
Administrative Technician III